

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Denise Baron	DEFENDANTS Abigail L. McCann and John McCann
(b) County of Residence of First Listed Plaintiff <u>Philadelphia</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	County of Residence of First Listed Defendant <u>Gloucester</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
(c) Attorneys (Firm Name, Address, and Telephone Number) Bernard M. Gross, Esq. Law Offices Bernard M. Gross, PC 1500 JFK Blvd., Suite 1820 Philadelphia, PA 19102 215-561-3600	NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)
Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|
- (specify)

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332(a)

Brief description of cause:

Motor vehicle accident, collision on Route 168 East near Almonesson Rd, Blackwood, NJ

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DENISE BARON
157 N. 3rd Street, Apt. 2R
Philadelphia, PA 19106

v.

ABIGAIL L. MC CANN
136 Hurffville-Grenloch Road
Sewell, NJ 08080
and
JAMES MC CANN
136 Hurffville-Grenloch Road
Sewell, NJ 08080

CIVIL ACTION NO:

JURY DEMANDED

COMPLAINT

1. The Plaintiff, Denise Baron is an individual and resides at 157 N. 3rd Street, Apt. 2R, Philadelphia, PA 19106.
2. The Defendants, Abigail L. Mc Cann and James Mc Cann are individuals and reside at 136 Hurffville-Grenloch Road, Sewell, NJ 08080.
3. The Plaintiff, Denise Baron, at all times hereinafter mentioned, was the driver of a motor vehicle involved in the hereinafter mentioned collision.
4. The Defendant, Abigail L. McCann, at all times hereinafter mentioned, operated and controlled another motor vehicle involved in the hereinafter mentioned collision as agent, servant, workman and/or employee of defendant James McCann.
5. Jurisdiction is based upon diversity of citizenship pursuant to 28 U.S.C. §1332(a); the matter in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs. Plaintiff, Denise Baron, is a citizen of the Commonwealth of Pennsylvania. Defendants, Abigail L. McCann and James McCann, are citizens of the State of New Jersey.
6. On February 2, 2019, at approximately 4:50 p.m. on Route 168 East near Almonesson Road, Blackwood, New Jersey, the said motor vehicles were involved in a collision.
7. This motor vehicle accident resulted solely from the negligence and carelessness of the Defendants herein, and were not due in any manner whatsoever to any act or failure to act on the part of the Plaintiff.

COUNT I

8. Plaintiff, Denise Baron, hereby incorporates by reference paragraphs 1 through 7 as though the same were more fully set forth herein again at length.

9. The aforesaid motor vehicle collision was caused by the carelessness, recklessness and negligence of the defendants and consisted of the following:

(a) Operation of defendants' motor vehicle at a high and excessive rate of speed under the circumstances;

(b) Failure to have defendants' motor vehicle under proper and adequate control under the circumstances;

(c) Failure to have due regard for the point and position of said motor vehicle containing the plaintiff;

(d) Violation of the pertinent statutes and ordinances;

(e) Otherwise failing to exercise due care under the circumstances;

(f) Such acts or omissions which may be discovered during the course of this litigation; and

10. As a result of the aforesaid collision, the Plaintiff, Denise Baron, sustained serious injuries in and about the head, body and extremities including, but not limited to cervical sprain and strain; cervical radiculopathy; thoracic sprain and strain; lumbar sprain and strain; bilateral trapezius sprain and strain; adjustment disorder with mixed anxiety and depressed mood. Plaintiff has suffered and may continue to suffer great physical pain, serious and permanent injury and mental anguish; plaintiff has been and may continue to be prevented from attending to plaintiff's usual activities, duties and occupations and has suffered and may continue to suffer a loss of earnings and earning capacity and plaintiff has incurred and may continue to incur various medical expenses in and about an effort to cure plaintiff of the aforesaid injuries.

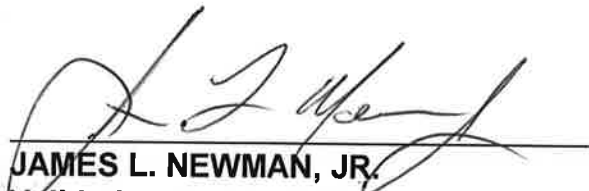
11. As a result of the injuries herein above described, Plaintiff was and will continue to be obligated to spend various sums of money for medicine and medical treatment in and about endeavoring to treat plaintiff for said injuries all to plaintiff's great financial damage and loss.

12. As a further result of the aforementioned accident, Plaintiff has suffered severe physical pain, aches, mental anguish, humiliation, inconveniences, and loss of life's pleasures, and he may continue to suffer the same for an indefinite time in the future.

13. As a direct result of the aforementioned accident, Plaintiff has been unable to attend to his daily chores, duties and occupations and may be unable to do so for an indefinite period.

WHEREFORE, Plaintiff Denise Baron, demands judgment against Defendants Abigail L. McCann and James McCann in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.00). The amount sued upon is in excess of that requiring submission to arbitration.

**LAW OFFICES
BERNARD M. GROSS, P.C.
BY:**

A handwritten signature in black ink, appearing to read "J L Newman, Jr.", is written over a horizontal line.

**JAMES L. NEWMAN, JR.
Validation Code: JN68
Two Penn Center
1500 JFK Blvd., Suite 1820
Philadelphia, PA 19102
Phone: (215) 561-3600
Fax: (215) 561-3000
Attorney for Plaintiff**

VERIFICATION

DENISE BARON, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Civil Action Complaint are true and correct to the best of her knowledge, information and belief.

This statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

(DB) 
DENISE BARON